

Message Text

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ACTION EUR-12

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P R 130836Z JUL 76

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TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 2788

AMEMBASSY BERLIN UNN

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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 1443

E.O.11652: GDS

TAGS: PGOV, PFOR, WB, GW, UR

SUBJECT: FEDERAL PROSECTUION OF LORENZ KIDNAPPERS IN BERLIN

REFS: A) BONN 11478, B) USBERLIN 1396 (NOTAL)

1. SUMMARY: BERLIN COURTS ARE BECOMING RESTIVE AT LACK OF PROGRESS IN BRINGING MAIN SUSPECTS IN LORENZ KIDNAPPING TO TRIAL, AND THERE IS POSSIBILITY THAT THEY WOULD BE RELUCTANT TO AUTHORIZE FURTHER EXTENSION OF DETENTION ORDERS. CONTRARY TO INFORMATION PROVIDED AMBASSADOR BY VAN WELL (REF A), HOWEVER, DETENTION ORDERS DO NOT EXPIRE AT BEGINNING OF AUGUST. EARLIEST DATE AT WHICH ANY OF NINE MAIN SUSPECTS WILL AGAIN HAVE CASE REVIEWED BY COURT IS AUGUST 27. MAJORITY OF CHIEF SUSPECTS ARE NOT DUE FOR REVIEW WNTIL SEPTEMBER 27, (THOUGH THREE OF THEM ARE AMOUNG FOUR WHO BROKE OUT OF JAIL JULY 7), AND COURT HAS JUST ISSUED NEW ARREST ORDER AGAINST THREE ON ADDITIONAL CHARGE OF COMPLICITY IN VAN DRENCKMANN MURDER WHICH WOULD NOT BE REVIEWABLE FOR SIX MONTSH. ALLIES AND FRG THUS HAVE SOMEWHAT MORE TIME TO WORK OUT DETAILS OF DECISION ON POSSIBLE
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FEDERAL PROSECUTION THAN SUGGESTED BY GERMANS REF A.

END SUMMARY.

2. AS INDICATED REF A, VAN WELL TOLD AMBASSADOR THAT GENSCHER URGED QUICK ALLIED DECISION UPON SAUVAGNARGUES DURING RECENT FRENCH-GERMAN CONSULTATIONS IN HAMBURG CITING AS ONE REASON THAT ARREST ORDERS AGAINST MAIN SUSPECTS EXPIRE AT BEGINNING OF AUGUST AND WOULD PROBABLY NOT BE RENEWED BY COURT IN ABSENCE OF MOVEMENT TOWARD PROSECUTION. VAN WELL THUS URGED ALLIES TO REACH DECISION BY JULY 20 AT LATEST. WE NOTE DISCREPANCY WITH INFORMATION REPORTED REF B TO EFFECT THAT COURT HAD JUST EXTENDED DETENTION ORDERS AGAINST AT LEAST REINDERS AND TEUFEL, TWO OF LEADING SUSPECTS, AND THAT THESE ORDERS WOULD NEED TO BE REVIEWED ONLY IN THREE MONTHS TIME. WE ACCORDINGLY ASKED LEGAL DIVISION OF SENAT CHANCELLERY TO PROVIDE US COMPREHENSIVE INFORMATION ON THIS ASPECT OF PROBLEM. FOLLOWING IS INFORMATION WE OBTAINED JULY 12:

A. RALF REINDERS, ORIGINALLY ARRESTED SEPTEMBER 9, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT JUNE 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 27, 1976.
B. JULIANE PLAMBECK, ORIGINALLY ARRESTED SEPTEMBER 9, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT JUNE 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 27, 1976.
CM INGE VIETT, ORIGINALLY ARRESTED SEPTEMBER 9, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT JUNE 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 27, 1976.
D. FRITZ TEUFEL, ORIGINALLY ARRESTED SEPTEMBER 13, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT JUNE 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 27, 1976.
E. GABRIELE ROLLNIK, ORIGINALLY ARRESTED SEPTEMBER 13, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT JUNE 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 27, 1976.

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F. RONALD FRITZSCH, ORIGINALLY ARRESTED APRIL 28, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT MAY 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT AUGUST 27, 1976.

G. GERALD KLOEPPER, ORIGINALLY ARRESTED APRIL 28, 1975; DETENTION ORDER MOST RECENTLY EXTENDED BY KAMMERGERICHT MAY 28, 1976; NEXT SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT AUGUST 27, 1976.

H. ANDREAS VOGEL, ORIGINALLY ARRESTED MARCH 26, 1976; DETENTION ORDER CONFIRMED BY AMTSGERICHT MAY 10, 1976; FIRST SCHEDULED REVIEW OF DETENTION ORDER BY KAMMERGERICHT SEPTEMBER 25, 1976.

I. TILL MEYER, ORIGINALLY ARRESTED JUNE 6, 1975 IN CONNECTION WITH A ROBBERY; DETENTION ORDER SUSPENDED BY AMTSGERICHT JULY 17, 1975 TO PERMIT HIM TO SERVE PRISON SENTENCE FOR OFFENSE COMMITTED IN BIELEFELD; DETENTION ORDER SCHEDULED TO ENTER INTO FORCE AGAIN NOVEMBER 21, 1976.

3. OF FURTHER RELEVANCE, AMTSGERICHT ISSUED ARREST ORDERS AGAINST REINDERS, VOGEL AND PLAMBECK JULY 6
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FOR COMPLICITY IN VAN DRENCKMANN MURDER. PRIOR TO THIS ACTION, NONE OF NINE HAD BEEN FORMALLY CHARGED WITH THIS CRIME. NORMAL RULE IS THAT DETENTION ORDER ON A SERIOUS CRIME IS VALID FOR INITIAL PERIOD OF SIX MONTHS. THIS TRIO COULD THUS PROBABLY BE RETAINED IN CUSTODY UNTIL JANUARY 1977 BEFORE KAMMERGERICHT WOULD REVIEW CASE TO DETERMINE WHETHER GROUNDS FOR CONTINUED DETENTION EXISTED.

4. GENERAL RULE, AS WE UNDERSTAND IT, IS THAT HIGHEST LAND COURT (KAMMERGERICHT IN BERLIN) IS

REQUIRED TO REVIEW DETENTION ORDER EVERY THREE MONTHS
ONCE ORIGINAL SIX MONTH PERIOD AUTHORIZED BY LOWER COURT ORDER HAS PASSED. IN REACHING DECISION, COURT IS
REQUIRED TO DETERMINE WHETHER SPECIAL COMPLEXITY OF
CASE, SCOPE OF INVESTIGATION OR SOME OTHER IMPORTANT
GROUND EXISTS FOR OVERRIDING NORMAL PRESUMPTION THAT
SUSPECT SHOULD BE RELEASED IF NOT BROUGHT TO TRIAL WITHIN
SIX MONTHS OF ARREST. WHILE COURT IS EXPECTED TO TAKE
INTO ACCOUNT SERIOUSNESS OF ALLEGED OFFENSE AND SUCH
FACTORS AS LIKELIHOOD THAT SUSPECT WILL FLEE IF
RELEASED, COURT WILL DEMAND TO SEE EVIDENCE THAT
PROSECUTION IS DOING EVERYTHING POSSIBLE TO ENSURE
THAT CASE IS BROUGHT TO TRIAL PROMPTLY. KAMMERGERICHT
HAS, ACCORDINGLY, BEEN EXPRESSING INCREASING CONCERN
AT LACK OF MOVEMENT ON PROSECUTION. IT MADE
FOLLOWING STATEMENT, FOR EXAMPLE, MAY 28 WHEN IT EXTENDED
DETENTION ORDERS AGAINST FRITZSCH AND KLOEPPER TO
AUGUST 27, 1976: BEGIN TEXT: THE CHAMBER WOULD NOTE,
HOWEVER, THE FOLLOWING: THE DETENTION WILL BE MAINTAINED
AFTER THE EXPIRATION OF A FURTHER THREE MONTHS ONLY IF
THERE ARE IN THE DOCUMENTS IMPORTANT NEW FACTS THAT
CLEARLY DEMONSTRATE A BASIS FOR DECIDING THAT THE

INVESTIGATION, DESPITE AN EXPEDITED PROCEDURE, CANNOT
YET BE CONCLUDED. END TEXT. KAMMERGERICHT MADE SIMILAR
STATEMENTS IN CONNECTION WITH EXTENSION OF DETENTION
ORDERS AGAINST REINDERS, PLAMBECK, VIETT, TEUFEL, AND
ROLLNIK AT END OF JUNE.

5. SENAT OFFICIALS ARE NOT ABLE AS YET TO HAZARD
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INFLAMED SPECULATION ON EFFECT KAMMERGERICHT WOULD
GIVE TO JULY 7 PRISON BREAK OF BIETT, PLAMBECK AND
ROLLNIK. IT IS CONCEIVABLE COURT WOULD CONSIDER THEIR
ABSENCE GROUNDS FOR DELAYING PROSECUTIONS SOMEWHAT
FURTHER. WE ARE ALSO SKEPTICAL THAT ANY
JUDGE, NO MATTER HOW INDEPENDENT, WOULD ACTUALLY ORDER
RELEASE OF SUSPECTS LIKE REINDERS AND TEUFEL IN PRESENT
ATMOSPHERE THOUGH ALLIES COULD COME IN FOR CRITICISM
IF IT APPEARED THAT IT WAS OUR RESERVATION ON FEDERAL
PROSECUTION THAT WAS DELAYING TRIAL. IN ANY EVENT, IT
WOULD APPEAR THAT EARLIEST REVIEW OF ANY DETENTION
ORDERS IN CASE WILL BE END OF AUGUST AND THAT ALLIES
HAVE A BIT MORE TIME THAN INDICATED BY VAN WELL AND
GENSCHER TO WORK OUT DECISION WITH FRG. GEORGE

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